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RHMFIS/USCENTCOM CCJ5 - PERSONAL FOR MACDILL AFB FL
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RUEHAD/AMEMBASSY ABU DHABI IMMEDIATE 0398
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C O N F I D E N T I A L SECTION 01 OF 02 RPO DUBAI 000362

SIPDIS

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TAGS: PGOV PHUM PREL IR
SUBJECT: IRAN'S JUDICIARY CHANGES - LESS THAN MEETS THE EYE

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CLASSIFIED BY: Alan Eyre, Director, Iran Regional Presence Office, DOS.

REASON: 1.4 (b), (d)

¶1. (C) Summary: Since taking over the Judiciary in mid-July, Hojjatoleslam Saeq Larijani has taken steps seemingly designed to assuage ongoing public anger over the government's brutal treatment of detainees and opportunistic persecution of the hardliners' political foes. Foremost among these steps are creating a commission to investigate the government's response to post-election unrest, and high-profile personnel changes to include removing the powerful Tehran chief prosecutor, Saeed Mortazavi, and appointing former Intelligence Minister Mohsen Ejaei as his deputy. These steps have been touted by some oppositionists as a 'retreat' by Supreme Leader Khamenei, to whom Larijani answers, and interpreted in the western press as calculated moves to balance Ahmadinejad and the hardliners. However, a closer look reveals the changes are likely more tactical and superficial than strategic and substantive: the Tehran prosecutor was actually promoted to a higher position after being removed; and the commission established to investigate the government's response to the unrest is composed of men with long professional histories of egregious human rights abuses. End Summary.

¶2. (C) Much attention has been given to Saeq Larijani's August 29 dismissal of Tehran Public and Revolutionary Prosecutor Saeed Mortazavi, one of the most infamous conservative hardliners responsible for crushing reformist opposition in the last decade, whose name is on many of the bills of indictment in the latest show trials. However he was hardly thrown under the bus, as one day after he was removed from his position Larijani appointed him as Deputy National Prosecutor General, a position that putatively outranks his former one. Mortazavi, who gained notoriety for his alleged personal involvement in detainee abuses over his six-year tenure, is considered very close to Khamenei but has also been a staunch ally of Ahmadinejad, and has aggressively wielded his authority to silence reformist papers and prosecute government critics.

¶3. (SBU) Also on August 29, Larijani issued a decree establishing a three-man commission to conduct a "fair, firm and swift" examination of the government's post-election conduct in order to identify and, if necessary, punish official misconduct. The three-person panel, including Prosecutor General Hojjatoleslam Mohsen Ejaei and Judiciary deputy chief Hojjatoleslam Ebrahim Raisi, is to report directly to Larijani. The commission will begin its work by looking into the

allegation of detainee abuse outlined in a report submitted to the government by Mehdi Karroui earlier this month.

¶4. (C) COMMENT: Larijani's appointment of Mortazavi belies the supposition that he is in any way 'housecleaning' the Judiciary of extremist hardliners, and more likely indicates a tactical re-arrangement of personnel to placate both aggrieved conservative elites and also popular sentiment. Similarly, his creating a commission to look into the government's handling of cases related to the unrest and to "continuously supervise" the prosecutors and trials is likely more of a public diplomacy strategy than a sincere effort to hold officials accountable for abuses. The panel's membership, which includes Ebrahim Raisi, who co-chaired the Tehran "Death Commission" during the 1988 massacre of political prisoners, suggests the hardliners have little to fear from the group's mandate, and it is unlikely that this group's findings will do more than finger a few scapegoats.

¶5. (C) COMMENT (CONT): Just as it is too early to discern Larijani's goals or relative influence within the system, attempts to infer meaningful change to the government's current trajectory based on his actions are similarly premature. One IRPO contact, a Dubai-based Iranian analyst, noted that as with most government positions in Iran, the power within the Judiciary is vested in the person and his place within the vast interlocking network of competing and cooperating patronage systems rather than the job title itself. Outgoing judicial chief Ayatollah Shahroudi was seen as more independent and less subservient to Khamenei than his predecessor, and it is widely thought that Khamenei installed Mortazavi as Tehran Public and Revolutionary Prosecutor to more fully implement his will within the Judiciary. As such, during Shahroudi's tenure Mortazavi ran a virtually independent fiefdom within the Judiciary. It could well be that given Larijani's greater presumed subservience to Khamenei, plus Mortazavi's increasingly toxic reputation, it was

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time to find him another, lower-profile position in the Judiciary. END COMMENT.

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